



DOCKET NO.: B0801.70238US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ridker et al.
Serial No.: 10/017,905
Confirmation No.: 7653
Filed: December 14, 2001
For: INFLAMMATORY MARKERS AS TOOLS IN THE DETECTION
AND PREVENTION OF DIABETES MELLITUS AND AS TOOLS
TO AID IN THE SELECTION OF AGENTS TO BE USED FOR THE
PREVENTION AND TREATMENT OF DIABETES

Examiner: Patrick J. Nolan
Art Unit: 1644

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 7, 2004.


Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

This paper is filed in response to the Restriction Requirement mailed June 7, 2004. A petition for a two-month extension of time to respond, to and including September 7, 2004, is enclosed herewith, as is a \$420.00 check for the corresponding fee.

Applicant hereby elects the claims of Group I, claims 1-7, 11-17, 21-27, 31-37, drawn to a method of diagnosing a person for a future diabetes or diabetic complication by detecting C-reactive protein, classified in class 435, subclass 4 without traverse. As further required by the Examiner, upon election of Group I, Applicant further elects insulin as the species of treatment agents. At least claims 21 and 52-61 read on insulin.

Having made the foregoing election, Applicants expressly reserve the right to file one or more applications on the subject matter of the non-elected claims.

Applicants note that on the Office Action Summary and on page 2 of the Detailed Action of the Restriction Requirement, the Examiner states that claims 1-51 are pending. Applicants

have previously cancelled claims 22-37 and 39-51 in a preliminary Amendment filed on December 14, 2001.

A listing of all the claims readable upon the election is reflected in the listing of the claims in the Second Preliminary Amendment enclosed herewith.

If a fee is occasioned by this response and is not covered by an enclosed check, please charge our Deposit Account No. 23/2825.

Respectfully submitted,
Ridker et al., Applicant(s)

By:



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